

Miller Deposition Transcript Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

GREG ABBOTT, in his capacity as

1:23-cv-00853-

GOVERNOR of the STATE OF TEXAS,

DAE

and the STATE OF TEXAS,

Defendants.

VIDEOCONFERENCE DEPOSITION OF

HEATHER LEE MILLER, PHD

DATE: Monday, July 1, 2024

TIME: 9:03 a.m.

LOCATION: Remote Proceeding

Seattle, WA 98101

REPORTED BY: Timothy Guevara

JOB NO.: 6778742

1 A Yes.

2 Q And how would you say the research broke
3 down between you and Dr. Baker?

4 A I'd say that -- so I devised the research
5 plan in consultation with him, just to make sure that
6 I wasn't missing anything and he's -- we then divided
7 those tasks as time allowed and as we felt our --
8 yeah.

9 I mean, we really just, kind of, divide
10 things based on time, honestly. And we then conducted
11 a research trip together.

12 Q Where was your research trip?

13 A We went to Texas. I went to Fort Worth to
14 the corps -- well, to the National Archives, mostly
15 looking in corps records and customs. And Chris then
16 went to the Texas State Library and Archives, and then
17 we both went to the University of Texas Briscoe
18 Center.

19 Q Okay. Would you say that you did the
20 majority of the research on this case, or how would
21 you say percentage-wise, the research broke down?

22 A I would say 60/40 with me doing more, maybe
23 70/30.

24 Q And did you review all of the research that
25 Dr. Baker did?

1 A Yes.

2 Q Did you draft this report?

3 A Yes.

4 Q Did Dr. Baker draft any of the report?

5 A No.

6 Q Did anyone else at HRA draft any of the
7 report?

8 A No.

9 Q Did Texas draft any of the report?

10 A No.

11 Q Did anyone outside of HRA draft any of the
12 report?

13 A No.

14 Q What specifically did Texas ask you to
15 research?

16 A We were asked to research the use of the
17 river, including any kind of watercraft that we might
18 find on that river over time.

19 Q Did Texas provide you with any assumptions?

20 A Only insofar as, I believe, the US and the
21 State of Texas agreed to some assumptions.

22 Q What assumptions do you believe that were
23 agreed to?

24 A The stretch of the river that we were
25 looking at. I want to say that I have that

1 document -- and some -- some definitions of terms.

2 Q What definitions of terms did Texas provide
3 for you?

4 A I'd have to look back at that document.

5 Q And when you say, "that document," what
6 document are you referring to?

7 A It was something agreed to between the US
8 and Texas. I believe it was a formal document of some
9 sort.

10 Q That involved definitions?

11 A I'd have to go back and look at it. I'm
12 sorry.

13 Q You list out definitions at the beginning of
14 your report. Are those the definitions that you're
15 referring to?

16 A No. These are my definitions.

17 Q Did Texas identify any sources for you?

18 A Not other than -- I -- I was given the
19 Johnson report and looked at what he was looking at to
20 understand what kinds of sources he was looking at.

21 There were some other filings in the case
22 earlier. So things attached to -- there were
23 attachments to a filing. I'm not -- I'm probably not
24 saying it right but -- and there were some attachments
25 to a 1975 corps document that discussed the

1 navigability of that river section.

2 Q Did Texas tell you to limit your research to
3 any particular type of watercraft?

4 A I'm sorry. You must not have heard me. I
5 said -- I said "no."

6 Q Oh, sorry. And did they provide any
7 limitations on the type of transport down the river in
8 terms of cross-river versus up/downstream?

9 A No.

10 Q Did Texas provide you with any data?

11 A Could you define what you mean by "data"?

12 Q Other than the documentation that you've
13 already identified, which I believe you said was the
14 corps report and the attachments to public filings in
15 this case and a set of definitions that you believe
16 the parties had agreed to, did they provide you with
17 any other documents?

18 A The only other thing I have is -- it was an
19 appendix to -- I want to say it was a Boundary
20 Commission report that has the river miles listed from
21 the Gulf to all the way up the river.

22 Q Okay. Did Texas provide you with any facts
23 that you should assume to be true?

24 A No.

25 Q Have you ever been to the Rio Grande?